

JuanJose Martinez-Madera A 14-647-093 Detained at ICE/El Centro Processing Center 1115 Imperial Ave. El Centro, California 92243-1739
Traverse

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
March 04, 2008

In The Matter Of:

JuanJose Martinez-Madera, A 14-647-093)

Civil File;

Case No. 07 cv 02237 JLS (WMC)

NUNC PRO TUNC

APR - 7 2008

PLAINTIFF'S

TRAVERSE:

(In Pro Se)

Plaintiff- Petitioner (In Pro Se))
Vs.)
MICHAEL CHERTOFF, Secretary of the Department of)
Homeland Security; MICHAEL B. MUKASEY, Attorney)
General; JULIE L. MYERS, Assistant Secretary, United)
States Board of Immigration and Customs Enforcement)
(BICE); ROBIN BAKER, San Diego ICE-Field Office)
District Director; ROBERT G. RILLAMAS, Assistant)
ICE-Field Office District Director-El Centro; JOEL)
MATA, Supervisor of Deportation Officers-El Centro)
Processing Center, El Centro, California)
Defendants-Respondents)

FIRST PART:

PETITIONER'S

ANSWER TO THE GOVERNMENT'S OPPOSITION TO MY WRIT OF HABEAS CORPUS

(taken together with my Writ of Habeas Corpus-filed on 02-10-08 – enclosed here again)

The whole purpose of our Writs of Habeas Corpus is to obtain our release as soon as possible. Now w/the government's oppositions to our Writs of Habeas Corpus they are defeating their natural purpose and are starting again their games of manipulations and deceptions costing us more time in detention. They twist the truth, stretch the truth to make it fit; engage in trickery, deception and lying with disinformation, misinformation, and no-information to the courts and to the public in general illegally, vindictively and capriciously prolonging indefinitely our detentions in these facilities as punishment and/or revenge for "paper crimes" of constructed, pre-fabricated and orchestrated charges and convictions with their exaggerations and lies, for which we have done time for it already owing no more time to no one, errors committed or not.

The only thing we are contesting in our Writs of Habeas Corpus is the excessive "civil" ICE-detention of us Legal Permanent Residents (LPR). Now, we do not say anything at all about the indefinite detentions of known and or admitted and or convicted terrorists, illegals or for those committing treason and, in fact, we

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believe that those laws were made for them, but us, LPR's are afforded constitutional safeguards, guarantees and protections not available for those other mentioned detainees. We believe the government has, on purpose, misinterpreted those laws to maliciously, capriciously and revenge-fully keep us LPR's detained indefinitely which we believe is not the intent or purpose of the law. Now we humbly ask this honorable court to please, once and for all, to finally make a determination as to what is, what exactly constitutes "**Excessive Detainment**" in "civil" Immigration (ICE, DHS) custody for a LPR; just how long would be considered detained too long on a **civil** detainment without the games that the government plays on us to vindictively extend detainment times for us, just how long is too long?

Answers to government's document (Doc.) opposing my Writ of Habeas Corpus:

I started answering every false accusation, innuendo, twisting and/or stretching of the truth on the government's opposition to my Writ of Habeas Corpus and then I stopped, it's just too much; it would have been too daunting a task and would have made a humongously voluminous traverse for the court, much more than what it already is now therefore, I only selected a few examples as proof of what I'm saying about them.

Following are some examples of everything I accuse them of above to confuse and muddy our records. (some are minor stuff, others are not, but they all make us look as bad as possible in the eyes of the courts and of the world having possible adverse consequences for us).

EXAMPLES: just on page # 59 alone (enclosed as Exhibit "A") on check-boxes:

In their document "opposition to my writ" (Doc.) page # 59 which is my 2nd yearly supposedly "6-month custody review" (1st box checked out) they ask if I have a place to live in the United States, they only reference one address, my parent's, when in reality, I could live in about 40 different places with anybody in my family not to mention any of about 200 places or more with friends that know me very well and trust me because they know the real me unlike Those in Positions of Authority (TPAs). On page 1 of my Writ of Habeas Corpus (WHC) 2nd paragraph, lines 31 & 32 I mention clearly here and in other places during my proceedings (please refer to enclosed Exhibits as "Affidavits") that we are a very large family, 6 sisters, 3 brothers besides Mom & Dad but, they make it seem I only have one brother and one sister, (See 3rd box checked out) I have a huge family including my extended family and they are all citizens, See my WHC 2 paragraphs on page 5 from lines 26-32 The reason I want to live with Mom & Dad or my older sister Mona is because of their many advanced-age related health-problems and issues, so I can better take care of them. I will never be a burden to them the

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way they try to insinuate; I won't depend on them, they will depend on me; I am going to work and to take care of my family, See Exhibit "B" Also See my Writ of Habeas Corpus Page # 2 lines 20, 21 and 22.

(2nd box checked out) While detained here in ICE custody, I am about to complete my 3 years of state parole therefore, I will not be subject to any parole requirements any longer but, I am willing to voluntarily comply with conditions of release as long as they are all legal, appropriate, respectful of my family members and our culture, are non-harassing for my family/friends and myself and not super-restrictive and also allowing for reviews and mediations in case of disagreements.

(3rd box checked out) close family ties within the United States; All my family lives in the United States. I don't even remember Mexico when I lived there when I was little, those memories are like a distant dream. We are all Americans. For this same box, they say that, MY FATHER is a United States Citizen and that my mother is a Legal Permanent Resident. She is in fact also a U.S. citizen, and so are all my family. They say my sister and brother are United States Citizens (notice their deceptive tactics they use by using the singular form). Fact, they (plural) are all citizens I don't have a brother and sister, I have brothers and sisters, 3 and 6 respectively.

(Next box checked out); Asking whether I have community ties or non-governmental sponsors: Even though they checked out the yes box, they say that I claim to be a member of the Church of Faith in San Jose. I am also a member of the Christian Jubilee Church in Milpitas, California. I was also a volunteer for many, many years in different community sports as a coach in city leagues soccer clubs, junior highs and the high school I graduated from which there were two positions but only one paid assistant coach position, the other position (mine) was not paid, I was a volunteer. I have also conducted bible studies classes, instructional classes in nutrition, drug abuse that because of my efforts 5 people (3 girls, 2 guys) committed themselves into re-hab treatment, some more than once and even though their recidivism rate was 100% at least they tried and that was "my grain of sand" contribution to the community I lived in back then. Sorry, I can't provide from detainment proof of my volunteering and church memberships and the exhibits that I am providing here are just part of the 49-page packet I sent ICE which included many certificates and proof of what I am saying but, with their very super-restrictive ways here, they illegally take our legal paperwork and super-restrict our access to them.

I gave up my community volunteering when I got married to my wives in order to devote more time to them, our home and our family. (notice how (TPAs) fail to mention any positive information, why? because they never take the time to find out nor take into consideration this type of positive information, only distorted, negative-content paper-records & convictions, there is no time to get to really know the truth or consider positive-content information). I am not nor have I ever been into gangs. I don't even associate w/these type of individuals nor let them influence me but try to influence them if I can into healthy, wholesome ways of living.

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1 (Next check-box); Whether I have any employment prospects: they checked out the no box, even though
2 they wrote that I have not provided any documentation, in the 49-page packet I sent to ICE for my "6-month"
3 file custody review at over a year, I sent them my resume, See Exhibit "C" showing without a shadow of a
4 doubt that I am very employable. My own brother Absalon could have employed me in his business but would
5 not because he could not compete with other companies' payrolls. I still would work for/with him with/out pay.

6 Next box checked out; My employment history: Here, they really distort things. Notice how they say that I
7 state that I have worked since I was 12 years old, have paid taxes on earned income and that I say that the type
8 of work that I have performed has been seasonal. What I said was that: I have been working since I was 12
9 years old (seasonal while I was in school) MEANING: while I was young and going to school I worked either
10 before school, after school, during school recesses, during weekends and during school vacations! Seasonal!
11 when I was younger. Not seasonal after my school years. I worked for one company (FMC Corp.) for a very
12 long time, since Friday May 13th 1977 until getting laid off on February 12, 1993, I worked for another
13 company for 6 years. My work record is very strong. They know it! and all those "purposeful deceptions" just
14 on one page alone are the way they do things with our records and after a while they have our records soooo
15 mixed-up like strewn yarn that it is impossible to make sense of it all. They are evil, do not fear G O D
16 anymore, HE sends them warnings to do true justice using nature in the form of droughts, blizzards, hurricanes,
17 floods, fire-storms, tornadoes, earthquakes and more but they don't listen. There is no justice unless you are
18 famous, influential, rich or even just very good-looking the likes of Kobe Bryant, Michael Jackson, Kate Moss,
19 O.J. Simpson, "Scooter" Libby, Paris Hilton, Robert Blake, Lindsay Lohan, Danny Bonaduce, See Exhibit "D",
20 Britney Spears, Nicole Ritchey and on, and on, and on, etc. etc. then, they (TPAs) trip all over themselves to
21 help them out. True Justice's colors are green and white. The balance of blind justice needs major calibration.

22 The federal courts (District Courts, Circuit Courts and the Supreme Court) are the only places that we may
23 get any form of relief from their very dangerous practices of revengefulness and vindictiveness against poor,
24 ignorant LPRs like myself. They make it seem that people never change nor mature if in fact they are really
25 guilty, they make all detainees look really dangerous like hardened criminals when in fact most are not. Many
26 revenge-minded and vindictive-minded individuals have usurped most positions of authority in this country and
27 are abusing that authority as we speak in many ways described above against the most defenseless individuals
28 in our society, some in secret places, some doing life. When they are given a badge, a gun and some authority, it
29 goes to their heads and become the poor man's terrorists. We, the poor and the uneducated don't need any more
30 terrorists, we already have them, and for saying the truth and speaking out against this evil we are called
31 dangerous to the community and it is hoped that this honorable court (HC) helps us by eliminating some of the

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nonsense and falsehoods and give us our freedom and “legally” beat them over the head as needed. They are the dangerous ones with their war-mentalities, their war-careers, their war-jobs, their war-culture and their war-economy; you would think of finding this type of stuff/individuals in other places of the world not here in the United States of America but, they’re here! And tenaciously holding on to positions of authority.

GOVERNMENT EVIL-LY CLAIMS THAT OUR:

DETENTIONS ARE VOLUNTARY because we are exercising our legal, constitutional rights to seek remedy through motions for extensions of time or stays of removal. The Due Process Clause and article III of the Constitution require that some judicial forum remain available for petitioners to challenge the lawfulness of our detentions. See my Writ of Habeas Corpus page 3 - note ¹

DEPORTATIONS ARE IMMINENT: The government has claimed many times that petitioners’ removal was “presumably imminent”, in the “foreseeable future”. In this mode many petitioners have still been detained for years at a time for the reason that the courts will review their cases without taking into consideration that detainees are in custody, as it should be, and because of this fact it has taken many years of their supposedly “imminent removal” in the “foreseeable future” still in detainment. There is just no set time-frame/limit for a court ruling on a case and this is what makes it indefinite and illegal. Mr. Martinez-Madera is not responsible for his continued detention, as the government claims and insists on other cases also, by saying that it is voluntary, merely because of requested motions for stays of removal or because they filed motions for extensions of time. Many detainees are pro se throughout immigration proceedings like in present case and need to do this. ²

² No cases cited by the government establish that detainees’ pursuit of legitimate legal claims and stays of removal has purposefully stymied removal efforts and thereby resulted in their “voluntary” detention. See Gov. Opp. to Pet. at 6 (Macalma’s case). The majority of the cases cited by the government establish simply that under 8 U.S.C. § 1231 (a), which requires detention of certain non-citizens during the 90-day “removal Period,” the “removal period” can be extended if the alien acts to prevent his own removal by failing to apply for identity documents or engaging in some similarly nefarious conduct. They do not establish that a detainee who seeks judicial review and obtains a stay based on the merits of his claim, can be detained merely because he has exercised his right to judicial review. See, e.g. Lawrence v. Gonzalez, 446 F.3d 221 (1st Circuit 2006) that petitioner’s removal was “presumably imminent” because the current litigation had been resolved; Thelemaque v. Ashcroft, 363 F.Supp. 2d 198 (D. Conn. 2002).

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The government's separate argument that detainees' detentions are voluntary because they can easily pursue their claims from abroad is equally absurd. There are substantial and important reasons for detainees choosing to challenge removal orders rather than filing passport applications or applying for certificates of citizenship with U.S. consulates in other countries. "We would be deprived of a full opportunity for judicial reviews should the State Department or the Department of Homeland Security deny passport applications or certificates of citizenship applications." The government cites *Rusk v. Cort*, 369 U.S. 367 (1962), for the proposition that the Secretary of State's denial of a citizenship application could be reviewed under the Administrative Procedure Act (APA), but that ruling was abrogated in *Califano v. Sanders*, 430 U.S. 99, 105 (1977), where the Court found that "the APA is not to be interpreted as an implied grant of subject-matter jurisdiction to review agency actions." Thus, by pursuing his appeals and petitions for relief through a challenge to his removal order, Mr. Martinez-Madera is both: 1) preserving and, 2) exercising his fundamental right to judicial review of his case. Moreover, The Ninth Circuit's decision in **Nadarajah** is not limited to the particular statutes at issue in that case, rather, the Court held explicitly that (the general detention statutes – **all of the statutes** applicable in cases **not involving national security concerns**, like in present case – do **not** authorize detention beyond a presumptively reasonable **six-month period** where removal is not significantly likely to occur in the reasonably foreseeable future.) **Nadarajah**, 443 F.3d at 1078. Because Mr. Martinez-Madera's removal is **not** significantly likely to occur in the reasonably foreseeable future but can still take from 1 to 3 more years, he is therefore entitled to immediate release from detainment under **Nadaraja** and other cases under **proper, carefully crafted and conditioned orders of supervision**, or he should at least have a court hearing on this subject.

I am just a worker, a regular person, a volunteer and a Christian. I have not had problems nor even had a fight in my life w/anyone except my two wives w/me because I was a pushover. Notice on page 57 on their Opposition to my Writ, See Exhibit "E" I have not had any disciplinary reports, 13 years in custody and not one disciplinary report and as a matter of fact I was the one that got beat-up in prison for speaking out and speaking up against gangs and drug usage, and even though I could have beaten the other person up because of my warrior (sports) training, I did not even defend myself, I did not want to get into trouble and I did not even get disciplined because I did not fight back, I ask, is that a person that is a danger to the community? Will someone please take this type of positive information into consideration to make a proper decision? Could it be that easy to **not** get into trouble in this supposedly very hostile environment? I don't have any enemies nor am I anyone's enemy. I am a 55 year-old man, a worker, not a habitual criminal and am very afraid of coming down with any of my age-related illnesses in these detention facilities known for their chronic, typical, inappropriate medical

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departments' medical care. See exhibit "F" PLEASE, Somebody finally do some true G O D justice, not the evil one being done now by those abusive, oppressors in positions of authority. See the Bible Psalms 82.

In the name of safety and security, in the name of children and in the name of families they commit too many abuses. They are not afraid of terrorism so much as they are afraid mostly of 2 things: 1) losing their "good", "wholesome" but fake image; but most of all, their greatest fear is: 2) lawsuits. Unless you're a federal agent like one of them told me "we are federal agents and we can do whatever we want and no one can tell us otherwise," when I told him that we could sue their illegal actions, he said "so what, we have lots of money".

SECOND PART:

NOTE:

Since the nature of a Writ of Habeas Corpus is to obtain our freedom ASAP and I feel very strongly about wasting too much of this court's very valuable time, please take notice that this 2nd part deals with some incidents w/my 2 x-wives that prove that I have been a victim of Those in Positions of Authority (TPAs) and that I am, neither a flight-risk nor a danger to society nor to no one at all, but am just a regular person; all that is just nonsense and exaggerations of (TPAs) and we ask the court's help in ending their silliness, revengefulness, and pettiness for all of us ignorant, poor detainees that can't even express ourselves and are here under extreme conditions of restrictive detentions for years at a time.

I gave-up my volunteering in order to dedicate more time to my wives, I was a pushover to them both. I was depressed and stressed out because of at least 7 crises I was going through, See my (WHC) page # 15. I finally had a nervous breakdown that I tried to get help before it happened by trying to commit myself 3 times at three different places (County Hospital and 2 different clinics); not only did I not get any help but they treated me like an undocumented person which is the way they do things w/people that don't have any insurance like me because I had lost it when I had been laid-off from my job of almost 16 years paying taxes for a very long time.

IN order for me to completely, truthfully and accurately make my points, it will be necessary to take up a little bit of the court's very precious and limited time, which I apologize for in advance but, for trying to be too careful, conscious, respectful and considerate of other's very busy schedules and not waste too much of their very valuable times is one of various reasons that I find myself now in this predicament and in this situation. It will also be absolutely necessary to talk about my two x-wives but I swear & promise, although that is very extensive, to be as brief and relevant as possible. (I will only give a few examples because there is no time, space, attention span nor patience for any more) but for this opportunity, I thank you in advance.

Through exaggerations, cheating, deceptions, trickery and outright lying (TPAs) very conveniently provided themselves w/a prior for my case and it happened like this;

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1 **MY FIRST WIFE:**

2 My 1st wife & I like many other normal couples, sometimes engaged in very stupid talk. She did not love me.
3 She thought she was a "high society" type. I was her "better than nothing" She told me one time, "if I catch
4 you w/another woman I'll cut your penis off, fry it up in a pan and feed it to the dogs" so, I told her "I'll cut-off
5 your breasts and mail them to your parents" Very stupid talk? Sure, Relevance? Well, later-on when she
6 involved the police, she told them I had said these things but did not mention what she had said to me nor that
7 she was the one that started them nor that we were just being stupid and they took it seriously and way out of
8 context, ran w/it and ended-up charging me and prosecuting me for it, while she came out of it unscathed, clean
9 and looking like a victim. She was very mean to me and lazy. Wouldn't cook, wouldn't clean the house even
10 though she wasn't working therefore couldn't help out with any responsibilities, didn't even want to just help
11 me make out the bills to send the payments out. When she later got a job, knowing my responsibilities ran into
12 the thousands of dollars a month she still did not help me out with any of it, only one time she gave me \$ 200.00
13 dollars to help out but the next day she wanted them back. I did not give them back to her because I was and
14 had been paying for everything myself, so she involved Social Services and that fell squarely into one of their
15 clichés about abusive husbands, gave me a hard time for that plus smirched me again in their reports. When she
16 got a job, I used to come home in a hurry from work to give her a ride to her job, one time when I got to the
17 house a little bit late she was very angry and started telling me off telling me a lot of bad words so I did not give
18 her a ride to her job since it was not my responsibility to do that plus with her really bad attitude and cussing me
19 out to boot. She had to use public transportation to get to her job and informed Social Services of that and again
20 it fell into a nonsense cliché of husbands domestic abuse.

21 When our son was born, before she got her job, she would even take him to our baby-sitter while I was at
22 work to come back home and go to sleep. Seeing what kind of woman she was, I told her I would divorce her
23 and take our son legally away from her. She consulted w/her gossippy friends and found out that yes, I could do
24 that because I showed responsibility, (I paid all our bills; hers, our son's and mine) and I showed stability (I had
25 had a job for 13 years by then w/the same company) she wasn't working, wasn't even legal in the country, she
26 did not speak English, did not have a driver's license, did not know how to drive, did not have a car. I had 2
27 mortgages (our house and a rental unit) she didn't even know what mortgage meant, so she told me "If you take
28 our son away from me, I'll kill you" She consulted w/her very gossippy friends about how she could prevent me
29 from taking our son away from her, they told her to accuse me and have me on record of a lot of bad things like
30 irresponsibility, neglect, drug usage, being very violent and mean to her and later on to our son when he was
31 born which she did. She drew the line knowing herself it was way too much when they told her to even accuse

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1 me of raping her and even molesting our son but, she accused me of everything else except that. Thank G O D!
2 My skin crawls when I think of what would have happened if she would have done that! Because as it was, only
3 with those accusations, those in positions of authority (TPAs) harassed me from then on. I was always being
4 stopped and searched by the police; once, I got stopped ten (10) times in a 2½-month stretch. Tired of their
5 abuse, harassment and terrorism against me, I started using my big (stupid) mouth towards her & (TPAs) trying
6 to get some justice including bouncing back her own words to her and telling her the same thing she had told
7 me first, that "if I took our son away from her she would kill me" but she turned everything around on me. She
8 told (TPAs) these things but not that she had told me that herself first and (TPAs) got in the way of a "normal"
9 married couple and helped destroy our marriage by harassing me and over-protecting her. Every time she called
10 the police I ended up being the one thrown out of my own home. I asked them what I was supposed to do
11 myself if I was the one being harassed and beat-up by her. They told me for me to be the one to call them and
12 when I did that, I still ended up being the one thrown out of my own house anyways until I had enough of that,
13 reasserted my rights and demanded that if I was going to be thrown out of my own home, somebody had to
14 make themselves responsible for it all and also, all of my property since I did not even know she was alive or
15 that she even existed when I had bought the house and everything in it. After that they started being a little more
16 careful, considerate, persuasive and mediative to calm us down, no one wanted to be responsible I guess.

17 When my poor wife and I were 8½ months pregnant, our first child for both of us. She was very, very
18 miserable. She couldn't be laying-down standing-up or sitting-down for too long anymore. I was her coach and
19 didn't know what to do to make her feel/get comfortable. I couldn't do anything right for her 'cause she would
20 scream at me no matter what I did, so the only thing I did was hover over her and around her like a puppy.

21 Her being new in the United States and in the city of San Jose I had showed her how to [call 9-1-1 and say
22 "Spanish Please"] for any emergency; in this case of her pregnancy, conscious of her condition if labor was
23 imminent and found herself alone in the house when I was at work or with my other responsibilities.

24 This day, she had been fighting w/me about our coming baby not having enough clothes or furniture and how
25 he was almost here, she did not like my answer that I was too busy w/all the other responsibilities that I had and
26 that he had enough meanwhile and we would get him everything else he needed when he got here so, she
27 slapped me on my face hard, catching me by surprise, making me even see stars. I got upset and being
28 conscious of her condition and the fact that she is a woman and that she is only 4 feet eleven inches, poor thing,
29 I love-tapped her in the face; her, struggling against me not to do it. She slapped me in the face with all her
30 might for a second time I saw stars again and she struggled w/me again so I wouldn't love-tap her again, but I
31 did. She again slapped me in the face full force for a third time and in her struggles to prevent me from love-

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1 tapping her again she hit her own nose w/her own finger w/her own hand and a little bit of blood trickled down
2 it a little bit and stopped. When I saw that, I felt sorry for her, just wanted to hug her and tried to hold her but
3 she kept struggling w/me thinking I was going to love-tap her another time, but I didn't.

4 With her struggles she got a little bit of her blood on her forearm and when she saw this she went to the
5 phone and did what I, concerned for her, had taught her to do; "Spanish Please" She was o.k. she wasn't
6 bleeding, only a drop of blood or two had trickled out of her nose and stopped, that was it, she was walking
7 around fine, she was o.k. and both of us just waited for the next step, but when they came (ambulance, fire-
8 trucks (2) and 5 police cars, sirens blaring!) she started limping and complaining of pain all over her body.

9 The arresting officer did not know what to do but wanted to cover his own skin so he informed both of us
10 that he had to arrest one of us and he was arresting the one that had hit first, thinking I had started the fight, he
11 thought he had an out. My wife started crying and this time he really did not know what to do but he got ready
12 to arrest her. Seeing my wife like that and in her condition and feeling bad for what had developed I volunteered
13 for the arrest when the arresting officer told me and assured me and lied to me that I would be at the police
14 station only about 4, 6 maybe 8 hours max. and then I would get released.

15 When we got to jail he left me w/another officer, that officer took me to another one that fingerprinted me
16 and took my picture and took me to another one and so forth and so on. When I saw they were not going to
17 release me soon I asked to see the arresting officer and told them what he had said, they all laughed at me. I
18 ended up being the one charged, convicted and introduced to their unfair tactics and practices w/ignorant, poor
19 people like myself that fully trusted the Justice System because we had never been through it ourselves before.

20 She should have been the one to go to jail if they were going to do that to me, even in her condition. Now I
21 ask: is it okay for Those in Positions of Authority (TPAs) to do that to people? To lie to them, to cheat them, to
22 trick them, to deceive them? or can they just expect for all of us to do what is right except for them? when they
23 preach to us to take responsibility for our actions does that mean only us? They themselves don't have to and
24 can do whatever they want to? Isn't that called hypocrisy? insincerity? two-facedness? and double standards?
25 Why isn't G O D in their equation? Why do they leave HIM out? Don't they fear HIS wrath? HE is warning
26 them to do true justice to the weak and the poor and the dummies like myself. At least five books in the Bible
27 tell us to defend the weak, to do real justice to speak out against injustice and speak up for righteousness but it
28 seems that . . . no one . . . is . . . listening!.

29 I feel very, very guilty of only one incident w/my 1st wife and am very embarrassed, very ashamed of it and I
30 believe that is the reason that (TPAs) keep harassing me and I suspect they keep hidden, secret files on us the
31 unsuspecting public and they share those files amongst themselves without us knowing about it, to harm us.

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1 EMBARRASING INCIDENT; I FEEL VERY, VERY ASHAMED OF THIS BUT I HAVE TO ADMIT IT AND CONFESS IT:
2

3 Because of (TPAs) brainwashing plus the fact that my wife was seeing somebody else, she kept leaving me
4 and coming back many times. I was depressed and lonely because of that and found myself going to bars and
5 getting drunk when I don't even drink. One of those times, I was drunk on 2½ beers at a bar and this woman
6 took advantage of me for being drunk and made it seem that I had picked her up. She had me take her to my
7 house and afterwards demanded that I pay her, I knew then she was a prostitute. I had demanded to not use
8 protection because I was not used to that nor being w/prostitutes. She gave me a couple of sexually transmitted
9 diseases, the next day my wife came home again and I passed the v. d. on to her which complicated her labor
10 when our son was born. This is the only thing I feel bad and embarrassed about w/my first wife. Everything else
11 on (TPAs) records are mostly lies, deceptions and exaggerations. Beyond Evil.

12 When you take a careful, closer look though; my son was born very healthy and on his due time thank G O D !

13 **MY SECOND WIFE;**

14 **MY NERVOUS BREAKDOWN AND SUBSEQUENT ABUSIVE CHARGES AND CONVICTION:**

15 With no prior my sentence wouldn't have been doubled up, I probably would have done 3 years prison time
16 with ½ for my nervous breakdown, my wife, our son and myself would still be a family carrying on w/our lives.

17 I have never said I did not beat up my poor wife. I could have killed her poor thing if it wasn't for my 2½
18 year-old son that kicked me and screamed at me "papi no le pegues a mi mami" (daddy don't hit my mommy)
19 that made me react, snapped me out of the trance I was in and tried too late to correct things.

20 That day I had been playing w/my son with my big mechanic's wrenches that I had used at work before
21 getting laid-off, they were big wrenches that I had used to build army tanks and navy P-7's. I did not have any
22 money anymore to buy my son any toys. We would make different sounds and tones by hitting two of them
23 together; then we played a game we called bombs away which consisted of us putting the wrenches in different
24 places in the house and me carrying him like a little airplane, making the sounds of an airplane and getting a
25 wrench from wherever we had put it at and "dropping a bomb" at another location. Those in positions of
26 authority said that because there were wrenches all over the house that I had "planned" to kill my wife charging
27 me with premeditated attempted murder **which is a LIE!!!** They made those charges stick because of my
28 poverty and laws/court proceedings ignorance and their education. Most Public Defenders are no good either.

29 My poor wife triggered my sports (warrior) mentality at the moment she pushed me so hard that she almost
30 got me out of my shoes, making me stagger back and almost making me fall down. At that moment the last
31 thread holding me to reality snapped because of the 7 crises or more I was going through (adding severe
32 depression, loneliness, sadness, stress, police and (TPAs) harassment/bullying/persecution to the list on my Writ

JuanJose Martinez-Madera A 14-647-093 Detained at ICE/El centro Processing Center 1115 Imperial Ave. El Centro, California 92243-1739
Traverse

1 of Habeas Corpus page # 15.) When I staggered back almost falling down, my hand came down on top of one
2 of those big mechanic's wrenches that I had been playing "bombs away" with my son. I felt like I was watching
3 somebody else beat my wife up; I saw everything in red like through some red lenses. At that moment all the
4 built-up pressure inside me finally exploded like a keg of dynamite; all kinds of emotions just overflowed and I
5 am both thankful that my son was there and was the one to snap me out of it, and also, so very sad & sorry for it
6 to get to that point, putting him through that as a poor little witness. I am also very sorry for what I did to my
7 poor wife, she also recognized her part in it herself and asked me to please forgive her when she visited me in
8 county. She also told (TPAs) how she was the one that tried to make me go crazy but they don't pay attention to
9 those kinds of things. Convictions at any cost are what they're after, nothing else matters.

10 In county I told them I had had a nervous breakdown so, they had me see a psychologist and when his report
11 came back it said that I was competent to stand trial; that was not an issue at all that was not what I had
12 claimed; they also twisted everything around. That is the way they do things. Truth and True Justice be damned.
13 Out the window w/them!

14 What I have to say about this whole ordeal that now I have personally been through it myself is this: IF I, a
15 man of peace and a man of G O D had a nervous breakdown then, no one is exempt from something like that
16 happening to them, especially those bent on revenge and vindictiveness that have no sympathy nor empathy for
17 anybody else, they throw the first and the biggest stones; they are racists with too much hate in their hearts and
18 in their lives that treat their pets better then they do poor, ignorant people.

19 **CONCLUSION:**

20 There is sooo much more to be said that proves without a shadow of a doubt that I am not a threat to no one
21 no matter what happened but there's not enough time, space nor patience allowed for everything to be said here.

22 Now about being a flight risk as the government claims: I turned myself-in when I had my nervous
23 breakdown and this incident happened w/my 2nd wife. I could have fled, but I didn't. Now would somebody that
24 is a flight risk have done that? turned themselves in? or would a flight risk person have fled? Will somebody
25 use some common sense here? also, I have always gone, and will always go, to all my scheduled court hearings
26 unless something extra-ordinary or superhuman happens and prevents me from doing so. I even volunteered to
27 turn myself-in to my deportation officer if I lose my case in the 9th Circuit Court of Appeals. They will rule in
28 my favor if they go by what the law says, but just in case they do not, I will still comply w/their decision(s),
29 whether it's right or not, whether I like it or not.

30 They (TPAs) do not respect G O D nor the bible (they swore on it to tell the truth but they didn't and they
31 don't) they don't respect other cultures, nor old age nor do they respect families nor children but instead split

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 Traverse

millions of them apart in many different ways. They do not care whether you are a worker/tax-payer, nor a father/mother, whether you have a home, a business, a car, a job, a family, savings and whether you lose everything you have worked for all of your life. They have their Phds' their Mbas' their Masters and Doctorates and come against us illiterates, the struggling poor, ignoramuses and abusively exaggerate and create "paper criminals" out of us poor dummies that can't even legally-defend ourselves.

Many mistakes are made while building criminal cases against us, destroying people's lives in the process of persecuting us, running roughshod over civil and human rights and liberties disguising their hate, discrimination, racism, feminism, idealisms, prejudism, favoritism and their fears (like for terrorism and others) by dealing not in G O D's truth and justice anymore. There are many instances when charges should be brought against them for abuse of authority but it's the most simple ones, the ones that can't even express themselves and have no money or knowledge to legally defend themselves the ones ultimately charged and convicted instead of Those in Positions of Authority that abused them. They have created a huge industry in the process deriving many other businesses from it. One thing is to be careful and do justice and quite another to be panicky, hateful and a racist. You do not combat terrorism by being a terrorist yourself; you do not combat criminals by being a criminal yourself and it is here that we hope, wish and pray that this honorable court will help us by granting us all similarly situated detainees some form of relief by once and for all:


1. Ordering our release outright or,
2. Ordering court hearings in front of a judge in a courtroom to review our cases and/or,
3. Rule and determine once and for all, finally define in a way that the government cannot distort nor change nor weasel out of, what exactly is "excessive detainment in ICE/DHS custody"!!!

THANK YOU

Respectfully Submitted

Juan M. Martinez
 JuanJose Martinez-Madera

Petitioner (In Pro Se) A 14-647-093



Executed on this date: Tuesday March 04, 2008

Petitioner's Signature

Note: Because of the very super-restrictive way that these detainment facilities are being run, it is impossible for me to send you all the 49-page packet that I sent ICE at my custody review but I have sent you some of it here as Exhibits and Affidavits for your review.

JuanJose Martinez-Madera A 14-647-093 Detained at ICEI-El centro Processing Center 1115 Imperial Ave. El Centro, California 92243-1739
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EXHIBITS:

THESE ARE PART OF THE 49-PAGE PACKET THAT I SENT ICE
FOR MY "6-MONTH" "ANNUAL" CUSTODY REVIEW

SORRY, I CANNOT ACCESS ALL THE DOCUMENTS THAT I SENT THEM
BECAUSE OF ALL THE RESTRICTIONS IN THESE DETENTION FACILITIES.

OTHER DOCUMENTS INCLUDED CERTIFICATES OF STUDIES AND OF
PROGRAMS I ATTENDED.

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11 EXHIBIT "A"

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14
15 THIS IS PAGE # 59 OF THEIR OPPOSITION TO MY WRIT OF
16
17 HABEAS CORPUS. I AM USING JUST THIS PAGE TO SHOW HOW THE
18
19 GOVERNMENT DISTORTS OUR RECORDS TO MAKE US LOOK AS BAD AS POSSIBLE.
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JuanJose.Martinez-Madera A 14-647-093 Detained at ICEI-El centro Processing Center 1115 Imperial Ave. El Centro, California 92243-1739
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EXHIBIT "B"

IN THIS LETTER I ASK TO BE LET OUT TO TAKE CARE OF MOM & DAD
IN ANOTHER LETTER THAT I CANNOT ACCESS DUE TO THE MANY RESTRICTIONS HERE,
I TALK ABOUT MOM & DAD'S AND MY SISTER MONA MANY AGE-RELATED HEALTH PROBLEMS
AND ISSUES THAT THEY ARE GOING THROUGH. THE REASON I'M GOING TO LIVE WITH THEM.
NOTICE HOW THE GOVERNMENT VERY CONVENIENTLY DOES NOT INCLUDE IT WITH THEIR
PAPERWORK.

I came to the United States as a minor with all my family since 40 years ago. My dad is a U.S. citizen born in Madera, California and he brought us all legally to live with him to the U.S. on December 22, 1965 through Calexico, California and we've all been here continuously since then.

All of my family lives here in the U.S. Most of them have become citizens through the courts. I also have two minor sons born here in the U.S. and my wife is not very healthy.

While here in the U.S. I attended from grade school through colleges as well as various training schools. I have worked hard and paid taxes since I was 12 years old (seasonally during my school years). I have worked in the fields and for various other companies.

I worked for almost 17 years at F.M.C. Corporation making various different types of army tanks and navy p-7's including the M.L.R.S. (Multiple Launch Rocket System) and the B.F.V. (Bradley Fighting Vehicles) that helped win the Gulf War in Kuwait in 1991 so successfully that won us many praises and thanks.

I have been a taxpayer, a homeowner, a landlord, an entrepreneur and business owner, (Mexican Restaurant), a trailblazer, a teacher, a counselor, a supervisor, a good student, a good worker, a good son, a good husband, a good father, a good provider, a good brother, a good friend, a good neighbor, a good team player and coach (soccer and work), I am a man of peace, at least I've been known to my family, friends, neighbors and co-workers as such.

In 1971 I joined the navy. A program called "Join now Serve Later" because I was still in high school but was going to graduate in June of '72. I took and passed my physical in Alameda, Calif. They told me to go home and wait for my orders to report for duty after graduation, but they never called me, I always wondered why; maybe I was too short or not smart enough, but I was ready to serve my country and was ready, willing and able to give my life to defend it if necessary. They told me the name of the submarine I was going to be serving in, where I was going to be stationed at, where I was going to do my basic-training at (boot-camp), and where I was going to be sent to do my tour of duty. But they never called me so I went to college instead (Sonoma State University) in the twin city of Cotati/Rohnert Park, Calif. And Gavilan College in Gilroy, California.

I am not and have never been a gang member. I don't smoke, don't drink, don't say bad words I am into health and sports. I don't take drugs although I did experiment some a little bit so that people and/or my sons don't play me the way some of my friends used to play their parents. I don't even hang around with people that are into these things.

Now my stress is under control and I am the same man I was before my nervous breakdown. The same man everybody knew before.

Dad, Jesus P. Gonzalez is the only father I have ever known. He's always been in my life, ever since I became conscious of being alive, since I've had my reasoning and use of my memory. I've never even seen my biological father, not even in a picture. I don't know what he looked or looks like.

Here in the U.S. I spent my school years reciting the pledge of allegiance daily. I also took U.S. History and other required courses to become a citizen. School and family have shown me how to be a productive, responsible and contributing member of society.

To those sitting in judgment I beg you to consider my parent's advanced age with a lot of age related ailments and issues. My family needs me out there to help them take care of those whom took care of us for so very long **OUR PARENTS**. Please Help if you can... Thank You.

Respectfully Submitted

18

000163

EXHIBIT

"C"

MY RESUME

I HAVE THE EQUIVALENT OF 6 YEARS OF A COLLEGE EDUCATION, I HAVE ONLY ONE MAJOR TITLE BECAUSE SINCE I LOVED EVERYTHING I WAS ALWAYS CHANGING MAJORS AND MINORS, BUT I HAVE A FEW MINOR TITLES.

I AM A CERTIFIED LAUNDRY AND LINEN MANAGER, A CERTIFIED WASHROOM TECHNICIAN, A CERTIFIED COMPUTER HARDWARE REPAIRMAN, A CERTIFIED BODY AND FENDER MAN, AND HAVE MANY OTHER SKILLS.

I LOST A \$ 40.⁰⁰ DOLLAR AN HOUR JOB THAT WAS WAITING FOR ME WHEN I GOT OUT BECAUSE OF THIS PROLONGED ICE DETAINMENT

RESUME

Juan Jose Martinez Madera

259 N. Capitol Avenue. 165-B-20

San Jose, California 95127

(408) 258-8199 (Home) / 314-4330 (Cell)

Position

Desired:

MECHANICAL ASSEMBLER / MAINTENANCE UTILITY PERSON / BILINGUAL TRANSLATOR ENGLISH TO SPANISH, SPANISH TO ENGLISH OR ENTRY LEVEL POSITION.

Career

Objective:

Stable employment with a reputable established company. Goal orientated, Team Player, Self Starter, Decision Making and Problem Solving, with advancement Opportunities.

Work

History:

SCALEMAN / LABORER / MACHINE OPERATOR

Prison Industry Authority – Laundry, CSP-Solano, Vacaville, California.

October 1999 to Present

Sort, weigh and accurately record all incoming soiled laundry, prep for washing.

Responsible for training of newly assigned employees in laundry operation and code of safe practices, as well as blood borne pathogens. Other duties include loading and unloading dryers.

PLANT MECHANICAL MAINTENANCE

Prison Industry Authority – Laundry, CSP-Solano, Vacaville, California.

September 1998 to October 1999

Maintained and repaired laundry machinery which required the (RRR) removing, repairing & replacing motors, valves, pumps, switches, etc. Responsible for daily preventive maintenance on laundry machinery and equipment. Assisted in the installation of new equipment and ordering parts.

TEACHER'S AIDE, ENGLISH AS A SECOND LANGUAGE (ESL)

California Department of Corrections, Susanville

May 1997 to March 1998

Assisted in teaching ESL to Spanish speaking students learning English.

MECHANICAL ASSEMBLER / LEADMAN

F.M.C. Corporation, San Jose, California

May 1977 to February 1993

Worked in the same company in three different divisions for 15 years, 9 months as a Mechanic Assembler / lead-man and plant facility Mechanical Assembler building different types of vehicles and equipment including Tomato harvesters, Cannery equipment, Airline equipment and Army tanks and Navy P-7's, following Government standards and Blue prints specifications, using hand tools, power tools and specialty tools. As Plant Maintenance I provided general repairs including cabling for electricity, computers, and electronics. Breaking & pouring, cement. piping for plumbing water lines, chemicals and PVC lines. Building office cubicles, etc. Solar heating technology (passive).

RESUME

Training

Education: Certified Laundry & Linen Manager, NAILM # _____, _____ (pending cert.)
Certified Washroom Technician, NAILM #251, 04/05/04.
Certificate of completion, Hazardous Materials, FEMA #5, 12/19/03.
Certificate of Proficiency, Laundry Operator, 12/16/2003.
Certificate of completion, Effective Communication, FEMA #242, 12/08/03.
Certificate of completion, Decision Making & Problem Solving, FEMA #241, 11/17/03.
Certificate, Computer Training Academy, 1993, San Jose, California.
Licensed, Military tracked vehicle driver, 1984.
Licensed, Heavy-lift crane operator, 1980.
Licensed, Forklift Operator, 1975.
Body & Fender Diploma, Gavilan College, 1974, Gilroy, California.
Coursework, Sonoma State University, 1973, Cotati, California.
Diploma, San Benito Union High School, 1972, Hollister, California.

REFERENCES:

John Arnold, Industrial Laundry Superintendent I
CSP-Solano, Prison Industry Authority, Vacaville, California.
(707) 451-0182, EXT# 6616.

Bob Price, Industrial Laundry Supervisor
CSP-Solano, Prison Industry Authority, Vacaville, California.
(707) 451-0182, EXT# 6616.

Gary Draper, Inmate Employability Program Coordinator
CSP-Solano, Prison Industry Authority, Vacaville, California.
(707) 451-0182, EXT# 6650.

EXHIBIT "D"

THIS DESCRIBES EXACTLY WHAT I AM TALKING ABOUT IN MY TRAVERSE ABOUT
HOW WE, THE POOR, IGNORANT AND UGLY DUMMIES CANNOT HOPE TO HAVE TRUE JUSTICE
DONE TO US. IT IS INSTEAD FOR THE RICH, THE INFLUENTIAL, THE FAMOUS AND OR
THE BEAUTIFUL.

BASED ON THIS INCIDENT, THEN BOTH INCIDENTS WITH BOTH OF MY WIVES
SHOULD, COULD AND WOULD HAVE FALLEN WITHIN THE REALM OF SELF DEFENSE.
BOTH OF THEM INITIATED CONTACT WITH ME IN AN OFFENSIVE MANNER.

Bonaduce won't be charged

LOS ANGELES (AP) — Danny Bonaduce won't face charges for tossing former 'Survivor' contestant Jonny Fairplay over his shoulders at an awards show.

A charge evaluation document released by the district attorney's office Friday said there was insufficient evidence to prove beyond a reasonable doubt that Bonaduce committed battery because Fairplay initiated contact and acted offensively.

Fairplay, 33, said he underwent 2 1/2 hours of dental surgery after

Bonaduce tossed him over his shoulders at the Fox Reality Channel's 'Revelation' Awards last Tuesday. Fairplay landed on his face.

The evaluation report, which was obtained by Fairplay, summed up Bonaduce's actions as "a slap and a toss around the suspect and against his



DANNY BONADUCE

on stage right with Jonny Fairplay.

pelvis into the suspect's body.

Deputy District Attorney Jeffrey Boxer wrote that Bonaduce didn't intentionally injure Fairplay and his actions fell within the realm of self-defense.

Fairplay's police report claimed the actor walked on stage uninvited and made a derogatory statement. Fairplay later said he was giving Bonaduce a hug, one of his signature moves as a performer.

A video of the incident captured the sound of the audience booing.



On the Run!

Where do pop music's most scandalous scofflaws currently stand?

	Phil Spector	R. Kelly	Pete Doherty	Michael Jackson
THE CHARGES	Second-degree murder in the 2003 killing of Lana Clarkson. Spector's case ended in mistrial in September after the jury deadlocked.	Fourteen counts of child pornography, for allegedly videotaping himself having sex with an underage girl. Kelly's trial is scheduled for 2008.	Possession of crack, heroin, ketamine and cannabis. Also: driving while uninsured. Doherty was given a four-month suspended sentence in October.	Child molestation. Though he was acquitted in 2005, he was ordered this year to pay more than \$256,000 in legal fees related to his trial.
STILL A MENACE TO SOCIETY?	Yes. Midtrial, a post attributed to his wife appeared on MySpace threatening the judge. Sickest part: Spector's wife is young enough to be on MySpace.	Yes. His publicist quit amid rumors of impropriety between Kelly and her nineteen-year-old stepdaughter. And he did write "I Like the Crotch on You."	No, only a menace to himself. OK, and to cats: Gossip sites reported Doherty's kitten was rushed to a clinic after allegedly imbibing cocaine.	Yes. Michael's brother Jermaine has revealed plans for a 2008 Jackson 5 reunion tour, telling BBC Radio, "We owe that to the fans and the public."

23-A

JuanJose Martinez-Madera A 14-647-093 Detained at ICEI-El centro Processing Center 1115 Imperial Ave. El Centro, California 92243-1739
Traverse

EXHIBIT "E"

I HAVE BEEN IN CUSTODY FOR 13 YEARS, THREE OF THOSE IN ICE CUSTODY
AND I HAVE NOT HAD ANY DISCIPLINARY REPORTS.

NOW I ASK:

IS THAT THE WAY A "VERY DANGEROUS PERSON" TO THE COMMUNITY OR TO OTHERS
ACTS? NOW, HOW ABOUT BEFORE MY MARRIAGES TO MY 2 WIVES? *I have had (NO)*
Problems w/ANYONE except my wives w/me.

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports?

☐ Yes

☒ No

If Yes, List & Describe:

Source:

Disciplinary reports and incidents while in ICE Custody?

☐ Yes

☒ No

If Yes, List & Describe:

Source:

Specifics of Review

Date of File Review: September 21, 2007

Date of Detainee Interview: (optional)

Location of Interview:

Reviewing/Interviewing Officer: #1: Jesus Reyna (Deportation Officer)

#2:

Interpreter Used: (If subject was interviewed)

☐ Yes

☐ No

Name:

Language/Dialect:

Discussion at interview/review:

The review conducted on today's date is file review pursuant to the permanent custody review procedures published in the Federal Register on December 21, 2000. Therefore, a personal interview was not conducted.

25

EXHIBIT "F"

PROOF OF WHAT I AM TALKING ABOUT IN MY TRAVERSE (BOTTOM OF PAGE 6 AND TOP OF PAGE 7) IS TRUE.

I WAS RIGHT IN THE MIDDLE OF THIS DETAINEES FIGHT FOR HIS LIFE. HE DIED BECAUSE THEY WOULD NOT TREAT THE CANCEROUS CONDITION ON HIS PENIS. BEFORE HE DIED HE HAD IT AMPUTATED.

I AM 55 YEARS OLD; WHAT IF I GET MY-AGE-RELATED MEDICAL PROBLEMS LIKE PROSTRATE CANCER? OR COLON CANCER? I WILL NOT GET THE PROPER MEDICAL TREATMENT. MR. FRANCISCO CASTANEDA'S CASE IS NOT THE ONLY CASE WE HAVE DOCUMENTED, WE HAVE LOTS OF THAT TYPE OF CASES ON RECORD.

Monday, February 25, 2008

Illegal who sued over treatment dies at 36

LOS ANGELES (AP) — A Salvadoran man who sued state and federal agencies for failing to diagnose and treat his terminal cancer while he was held behind bars has died. He was 36.

Francisco Castaneda died Feb. 16 of cancer at his home in Los Angeles, attorney Gonal Doyle said.

Castaneda filed his lawsuit in October, arguing the cancer wouldn't have reached the terminal stage if he would have received proper treatment. His penis was amputated last February after he was freed from federal custody.

Castaneda left El Salvador with his mother during a civil war and entered the United States illegally when he was 10. He was convicted in 2005 of possessing methamphetamine and spent eight months in jail, then was held in immigration detention centers while awaiting deportation hearings and his claim for political asylum.

A doctor first noticed a growth on his penis in December 2005 while Castaneda was in state prison. Multiple lesions developed and Castaneda's pain increased, but doctors and federal Immigration and Customs Enforcement agency officials turned down medical staff recommendations for a biopsy and surgery, the suit said.

Lack of care 'beyond cruel'

LOS ANGELES (AP) — A federal judge has ruled that immigration officials allegedly denying medical treatment for a detainee who later died of cancer was "beyond cruel and unusual" punishment, according to a published report.

The family of Salvadoran immigrant Francisco Castaneda now can for forward with a lawsuit seeking damages from the federal government, according to the Los Angeles Times.

Castaneda spent eight

months in state prison after being convicted in 2005 of possessing methamphetamine with intent to distribute. He then was transferred to immigration custody because he was in the United States illegally.

Castaneda informed Immigration and Customs Enforcement (ICE) staff at the San Diego Correctional Facility on March 27, 2006 that a "lesion on his penis was becoming painful and growing," U.S. District Judge Dean

Pregerson wrote in a decision released late Tuesday.

A physician assistant requested a biopsy and, over the next 11 months, several doctors made the same recommendation, according to government records cited by the judge.

But Pregerson wrote a doctor at the Division of Immigration Health Services would not admit Castaneda to a hospital, saying her agency considered it "an elective outpatient procedure."

AFFIDAVITS

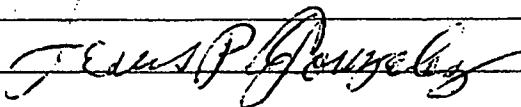
Jan. 13, 2006

Jesus P. Gonzalez
 51 Azul Ct.
 Hollister Ca-95023

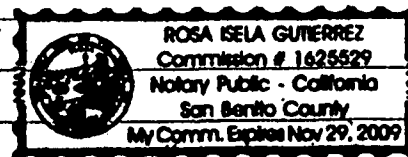
I Jesus P. Gonzalez on this date and through this, want to acknowledge my son (stepson) Juan Jose Martinez as one of my children. Juan was 6 months old when I met his mother Tomasa M. Gonzalez whom I later married. Juan was raised with the rest of our children and is very much a member of my family.

Respectfully

Jesus P. Gonzalez



State of California
 County of San Benito
 Subscribed and sworn to (or affirmed) before me on this 17th day of JANUARY, 2006, by JESUS PEREZ GONZALEZ personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
 Signature Rosa Isela Gutierrez




Meed

To Whom it may concern;

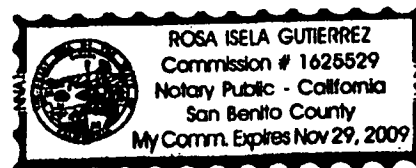
My name is Maria Guttirez (Ozuna), I was born 3/22/46. I'm the oldest of 10 siblings, Hilda Ozuna 8/20/47, Ramona Ozuna 8/25/49, Juan Martinez 1/27/53, Erendira Gonzalez 12/19/54, Hueman Gonzalez 12/15/56, Uxmal Gonzalez 10/30/58, Absalon Gonzalez 10/29/61, Eunice Gonzalez 10/17/63, Eugenia Gonzalez 11/17/66(deceased 8/76) My father Encarnacion Ozuna died when I was 3 years old,my sister Hilda 2,and my mother stayed pregnant with my little sister Ramona. My mother knew my brother Juan's father from childhood,they grew up together. After my father died,my mother came back to live with my grandmother and got envolved with Mr. Martinez. His family never accepted my mother with three children,they managed to presure him to the point he abandoned my mother while she was pregnant with my little brother (Mr. Martinez was a good man . I remember,but he must of been a good son also) My mother never heard from him again,and neither him or his family ever made an effort to make my brother part of their family. My mother met my father(stepfather) Jesus Gonzalez when my brother was 6 months .One thing I am proud of (working on this letter)not once we ever reffered to each other as stepfather or stepbrother/sister. We lived in Mexicali B.C. from the time I was 7 years old,until I was 19. My father always worked to provide the best anybody could have,my mother,always,a very simple,honest,and

very hard working woman, took care of the family, and the house. My brother is part of this family. We are all we have ever had. The only relatives we have live in Mexicali, B.C. They are Ozuna, which have come to know, respect, and love my father. Since the three oldest were girls he decided he needed to be closer to us, he spent much of his time away working. Everything that needed to be done was done (documents to support the legality of the process for our legal residence are included) and on December, 22, 1965 we entered through Calexico Ca. We lived in El Centro Ca. for approx. 3 years, later we moved up north (as a family) to Hollister Ca. Since we all lived around this area, San Jose Ca. Modesto Ca. and Hollister Ca. I know The Lord will guide you to make the right decision in behalf of our family.

Thank You,


Maria Gutierrez
 12/21/05

State of California
 County of San Benito
 Subscribed and sworn to (or affirmed) before me on
 this 17th day of January, 2006, by
Maria Eugenia Gutierrez personally known to
 me or proved to me on the basis of satisfactory
 evidence to be the person(s) who appeared before me.
 Signature Rosa Icela Gutierrez



Monday October 23, 2005

I hereby declare that Juan Jose Martinez is my brother and that we together came to this country as a family with my parents, Jesus Gonzalez and Tomasa Madera Gonzalez, and so did the rest of my brothers and sisters, we enter with the approval of the Immigration and Naturalization Dept., through Calexico, CA, on December 22 - 1965.

Attentzably,

Hilda Aguila

Hilda Aguila
1716 Pawtucket Ave.
Modesto, Ca. 95358

209) 526-0881

State of California
County of San Benito
Subscribed and sworn to (or affirmed) before me on
this 17th day of January, 2006, by
Levigilda Aguila personally known to
me or proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.
Signature Rosa Isela Gutierrez



(32)

000148

Vol. 23-05

To whom it May concern,

My name is Ramona ~~Molina~~ (Ozuna) my date of birth is August 25, 1949. I lived in Hollister, CA. for many years. I was borned in Mexico, in 1949, but on December of 1965 we were able to come into the U.S.A. as legal residents. then on later I became a U.S. citizen. I am the third child borned to Tomas A Gonzalez and Encarnacion Ozuna. I understand that my father Encarnacion Ozuna passed away soon after I was conceived. It was later on that my mother married my step father Jesus P. Gonzalez which raised me and other siblings.

I here declare that my brother Juan Jose Martinez is my younger brother if any more information is requested please notify me by writting at 1311 Sunset Dr., Hollister CA., 95023, or by telephone at 831-637-6838.

Ramona Molina
1311 Sunset Dr.
Hollister CA. 95023

PH# 831-637-6838

Sincerely,

Ramona Molina
Ramona Molina

(33)

000150

December 22, 2005

To whom it may Concern.

RE: Juan Jose Martinez.

Juan Martinez is my brother and a beloved member of our family. Our family was granted legal residency and entered the United States, December 22, 1965 at Calexico, California. The family included our parents: Jesus Gonzalez and Tomasa Gonzalez and their children:

(Siblings names and current residency status)

Maria Guttirez, Sister, Naturalized US Citizen
DOB 3/22/46

Hilda Anciola, Sister, Naturalized US Citizen
DOB 8/20/47

Mona Molina, Sister, Naturalized US Citizen
DOB 8/25/49

Juan Martinez, Brother, Legal Resident
DOB 1/27/53

India Gonzalez, Sister, Naturalized US Citizen
DOB 12/09/54

Hueman Gonzalez, Brother, Legal Resident
DOB 12/15/56

Uxmal Gonzalez, Brother Naturalized US Citizen
DOB 10/30/58

Marcus Gonzalez, Brother Naturalized US Citizen
DOB 10/29/61

Eunice Gonzalez, Sister, Naturalized US Citizen
DOB 10/17/63

Eugenia Gonzalez, Sister, US Citizen (diseased 1976)
DOB 11/17/66

We grew up in Hollister, CA; Juan attended San Benito Joint Union High School, class of '72 and Sonoma State University. My brother Juan and I, India Gonzalez resided in San Jose, CA most of our adult life, where he worked for FMC for over 10 years. Our family resides in the California North Bay since 1969. Our parents reside at our family home, in Hollister, CA at: 51 Azul Ct., phone 831-637-1172, since 1973.

Today our extended family include 19 grandchildren and 16 great-grandchildren all US Citizens. We look forward to having our brother back in the bosom of our loving family, our parents are advance in age and in ill health and they look forward to having the family together again.

On behalf of the Gonzalez family, thank you for your consideration.

Sincerely,

India Gonzalez

Maria Guttirez

Jesus Gonzalez

Tomasa Gonzalez

(34)

000151

Julian Madera Betancourt
261 Lassen Ct
Hollister, CA 95023

January 30, 2006

To Whom It May Concern:

I, Julian Madera Betancourt, am writing this letter declaring under penalty of perjury with reference to Juan Jose Martinez Madera. I am a resident of the United States. I have known Juan Jose Martinez Madera since he was born. He is the son of my aunt Tomasa Gonzalez Madera and stepson of Jesus Gonzalez.

If you have any inquiries, please feel free to contact me, my telephone number is (831) 636-6545

Sincerely,

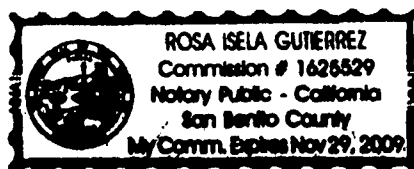

Julian Madera Betancourt

State of California }
County of San Benito } SS.

On January 30, 2006 before me, Rosa Isela Gutierrez
personally appeared Julian Madera Betancourt personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


NOTARY'S SIGNATURE



(35)

000152

December 21, 2005

To Whom It May Concern:

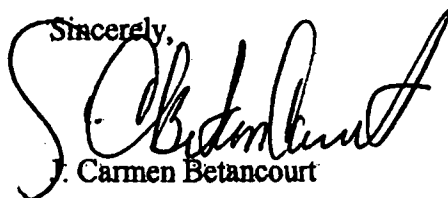
My name is J. Carmen Betancourt live in 261 Lassen Court Hollister, Ca. 95023.
I am writing to you in behalf of Mr. Juan Martinez to consider him to remain here in the United States.

Mr. Martinez and I have known each other since we were in San Benito High School 1972. I know that he had committed a crime and which he had paid his due to society, but to be taken away from his family that live in the U.S.A would be a heart breaking to him and to his family,

.. If you can assist the Mr. Martinez in any way, it will be greatly appreciated.

If you need additional information regarding Mr. Martinez, please feel free to contact me at (831) 636-6545.

Sincerely,


J. Carmen Betancourt

"AFFIDAVIT OF WITNESS"

TO WHOM IT MAY CONCERN:

I, RUBEN TORRES PEREZ WHO SIGNED AND DEPOSE THAT I RESIDE AT 4215 LISMORE LN.
BAKERSFIELD, CA 93313

MY CALIFORNIA I.D. NUMBER IS #: N3463925

I, FURTHER VALIDATE AND INSURE THAT I LIVE IN THE U.S.A. AND THAT FROM MY PERSONAL KNOWLEDGE I KNOW JUAN JOSE MADERA MARTINEZ WHO IS AT THE PRISION IN SAN DIEGO, CA.

I KNOW JUAN JOSE MADERA MARTINEZ SINCE THE YEAR OF 1960. HE IS MY FRIEND. HE HAS BEEN A REALLY GOOD PERSON AND CLOSED TO ME AND TO MY FAMILY. HE IS ALMOST LIKE MY BROTHER. HE HAS BEEN A HARD WORKING PERSON. I HONESTLY BELIEVE THAT HE IS A GOOD MORAL CHARACTER PERSON BECAUSE OF HER INTEGRITY TOWARDS OUR RELATIONSHIP AND TOWARDS THE REST OF OUR FAMILY MEMBERS. I, RUBEN TORRES PEREZ WANT TO DECLARE BY THIS LETTER THAT I KNOW ALL OF JUAN'S FAMILY. JUAN JOSE MADERA MARTINEZ HAS ALWAYS BEEN LIVING WITH HIS PARENTS JESUS AND TOMASA GONZALEZ; HIS SISTERS, MARIA, HILDA, RAMONA OZUNA, ERENDIRA GONZALEZ AND HIS BROTHERS HUEMAN, UXMAL, ABSALON GONZALEZ. I KNOW THAT JUAN JOSE MADERA MARTINEZ GREW UP WITH ALL THE FAMILY MEMBER THAT I MENTIONED ABOVE. I APPRECIATE YOUR ATTENTION IN THIS MATTER THAT IT IS OF GREAT CONCERN TO US. PLEASE HELP US TO HAVE A UNITED FAMILY.

SINCERELY,

STATE OF / CALIFORNIA
COUNTY OF / KERN


RUBEN TORRES PEREZ


ON THIS 30 DAY OF JANUARY, 2006 THE UNDERSIGNED
NOTARY PUBLIC HEREBY CERTIFIES THAT:

RUBEN TORRES PEREZ

PERSONALLY APPEARED BEFORE ME AND PROVED TO ME
ON THE BASIS SATISFACTORY EVIDENCE TO BE THE
PERSON WHOSE NAME IS SUBSCRIBED TO WITHIN THIS
DOCUMENT, AND I ACKNOWLEDGE THAT SHE DID
EXECUTE IT



WITNESS MY HAND AND OFFICIAL SEAL:


MARIA J. HERNANDEZ
NOTARY PUBLIC

(37)

000154



HUMAN
RESOURCES
AGENCY
COUNTY OF SANTA CRUZ

Tony Martinez
Medi-Cal Outreach
Eligibility Supervisor I

Benefit Services Division/Medi-Cal
119 W. Beach Street
Watsonville, CA 95076
Telephone (831) 763-8575
Fax (831) 763-8530
tony.martinez@hra.co.santa-cruz.ca.us

To Whom It May:

My name is Tony J. Martinez, my date of birth is 10/23/1953 and was born in Hollister California and currently work for the County Of Santa Cruz since 1986 as a Benefits Supervisor. I declare under penalty of perjury that I have known Juan Martinez since 1969. We both lived as neighbors at 1455 Santa Ana rd. in Hollister California from 1969 through 1971. We both attended San Benito high school and attended classes together. Juan was a member of the 1972 soccer championship team for the same high school. We were both neighbors again at 30 Azul ct., Hollister California for at least another 5 years, before he got married to Oralia Cabrera and he moved to San Jose California and worked at FMC Corporation. I have known Juan to be a mild mannered and law abiding citizen and very respectable to my friends and family. I understood he married again and was incarcerated for a lengthy stay. Please call me if you have any questions at 831-801-3569 and I still live at 30 Azul court in Hollister California.

Sincerely,

Tony J. Martinez
10/27/05

MISCELLANEOUS

INCLUDES:

LETTER OF REFERENCE FROM MY PLANT SUPERINTENDENT

LETTER TO THE HONORABLE JUDGE

INVITATION TO MY HIGH SCHOOL 25-YEAR CLASS REUNION (CLASS OF 1972).

x over

39

000156



Date: June 30, 2005

To: WHOM IT MAY CONCERN

From: Prison Industry Authority • 2100 Peabody Road • Vacaville, California 95687

Subject: LETTER OF REFERENCE FOR MR. JUAN JOSE MADERA MARTINEZ

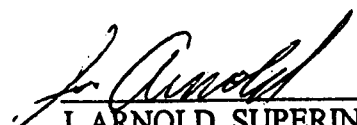
Since his assignment (10/30/1999) to this PIA Laundry, Mr. Martinez has displayed a positive attitude with his supervisor and co-workers. He has also maintained a good working habit and on 12/01/2003 he was promoted to lead scale-man within the soil room. On 12/16/2003, Mr. Martinez received a Certificate of Proficiency for his job specialty as a Laundry Operator. Mr. Martinez has also been participating in the Inmate Employability Program where he has received Certificates of Achievements in the following categories:

- Decision Making and Problem Solving on 11/17/2003
- Effective Communication on 12/08/2003
- Hazardous Materials on 12/19/2003

He has also received Marketable Trade/Skills certificates in the following:

- Certified Washroom Technician, certificate number 251, 04/05/2004.
- Certified Laundry and Linen Manager, (Passed / Awaiting Certificate)

Mr. Martinez's honesty and good work ethic has earned him a high level of respect by both staff and his peers. I would like to have him recognized as a good worker with above average performance and to commend him for a job well done.



J. ARNOLD, SUPERINTENDENT I
P.I.A. LAUNDRY / CSP-SOLANO
(707) 451-0182, EXT# 6616

40

000164

Please believe me, nobody else has, that I DID NOT try to kill anyone. I had a nervous breakdown!. I want this to be on record at least once and for everyone to know that I am innocent of the charges that the state convicted me of and that I already did time for. My nervous breakdown was because of all the crises(plural) that I was going through and that the city(San Jose), the county(Santa Clara), and the state of California denied me aid; Absolutely refused to help me when I went to them seeking help even though I had been a taxpayer for a very long time before.

I went to them seeking help because I had acute depression and severe stress and was at that point close to having a nervous breakdown. I couldn't sleep, couldn't eat, I couldn't function anymore. This I let them know, but they still refused me any help at all. I tried to commit myself 3 times, once to the county hospital, and once each at 2 separate clinics, but, because I had lost my good job and my insurance with it, they wouldn't treat me at all because I am a nobody and my family & I were/are poor.

The crises I was going through included 1.) fighting bone cancer, 2.) going through a divorce, 3.) breaking my leg in 12 different places playing organized sports (soccer), 4.) losing my good job of almost 17 years when the defense industry collapsed; making various different types of tracked, armored military army vehicles including the MLRS (multiple launch rocket system), the BFV (Bradley Fighting Vehicle); And the amphibious assault navy P-7's that helped win the Gulf-war in Kuwait in '91 and losing my health insurance benefits w/my job. 5.) losing my first son to my first wife, AND because of an error between 2 different child support offices in 2 different cities, 7.) I lost my home with about \$ 64,000.00 dollars equity in it, and because of the same error, 8.) I lost my business (Mexican restaurant) "Amigo's Mexican Food" with \$90,000.00 dollars worth of equipment in it, and 9.) being unable to find an adequate job to be able to survive and keep going w/my family anymore. I was losing my hair because I was under so much stress, I was barely together. I couldn't even pay the rent anymore.

And then my wife starts screwing around on me w/at least 3 different men and coming home with hickies on her neck. We had already worked-out a mutually acceptable separation agreement though.

I still DID NOT just out of the blue hit my wife; I was at this point barely hanging-on, and she did trigger my breakdown by pushing me so hard that she almost got me out of my shoes and I almost fell down and where my right hand fell there was a big mechanic's wrench I had used at my job making the military vehicles and that I had used to play w/my son because I did not have any money anymore to buy him any toys at all.

That afternoon, my son and I had played soccer in the yard with the landlord's basketball and then we came inside and played with many of my large mechanic's wrenches from work. By hitting 2 of them together we could make different musical notes. Then we hid many of them and played hide-and seek and bombs away. My son was two and a half years old then.

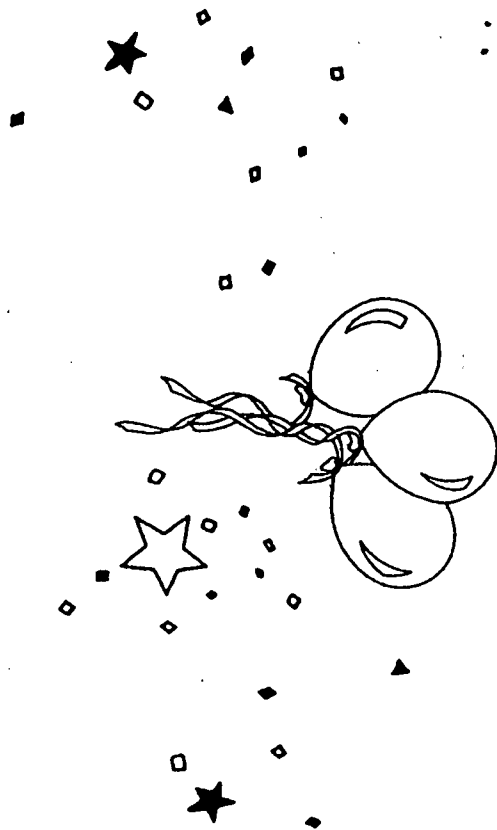
Because of this (some wrenches being hidden), those sitting in judgement said that not only had I tried to kill my wife, but that I even had planned it which IS A LIE! and not even my public defender believed me when I told the truth and I got convicted and got an 11 year sentence. They stretched the truth, twisted the truth to make it fit, omitted or added comments on my record and lied and were believed. All other convictions on my record have also been injustices done to me for being naïve and ignorant of the law(s) and the court proceedings and poor, unlike celebrities that can afford proper counsel. One conviction on my record I did not even go in front of a judge which to my family and I, it don't seem right, just or fair.

So please do not remember the offense of my youth (one) and according to your mercies and the meditations of your heart please forgive my transgression done because I finally had a nervous breakdown but was not seen as such by those sitting in judgement; and that all the governments (city, county, and state) refused to help me with.

Thank you for reading and considering this
Sincerely and Respectfully Submitted

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000162



You are cordially invited to the

25-Year Class Reunion

of San Benito High School's Class of 1972

on Saturday, August 23, 1997

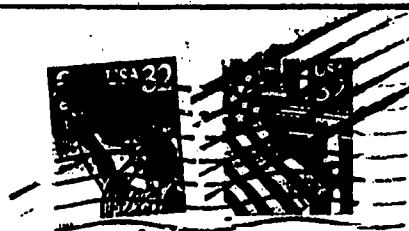
Social Hour 6:30 p.m. Dinner-Dance 7:30 p.m.

Coconut Grove Sun Room

400 Beach Street

Santa Cruz, California

\$40 per person



44/145

Juan Martinez

K35225 B 122 L

~~541 1st St.~~
~~Holliston, MA 01932~~

High Desert state prison

PO Box 3030

Sussexville Calif. 96130

**PROOF OF SERVICE BY MAIL
BY PERSON IN U.S. BICE CUSTODY**

(Fed. R. Civ. P. 5; U.S.C. § 1746)

I, JuanJose Martinez-Madera A 14-647-093 Case No. 07CV2237 JLS (WMC) declare that:

I am a party to this action. I am being detained by BICE and am a resident in one of their detention facilities in the Imperial County in the State of California at the following Address:

ICE El Centro Processing Center
1115 North Imperial Avenue
El Centro, California 92243-1739

*MY
ERROR - SORRY*

I also state that: On this day Tuesday February 10, 2008, I served by Certified First-Class United States Mail a true copy of the following attached documents: ¹

1. Traverse (see case No. above) to the government's opposition to my Writ of Habeas Corpus
2. Writ of Habeas Corpus (submitted here again to save everybody time).
3. This Proof of Service by Mail . . . to the following addresses:

1. United States Southern District Court
Clerk's Office
880 Front Street, Suite 4290
San Diego, California 92101-8900

2. Ms. Raven M. Norris
Assistant U.S. Attorney
880 Front Street, Room 6293
San Diego, California 92101-8893

3. U.S. - BICE - District Counsel
2409 LA Brucherie Road
Imperial, California 92251

4. U.S. - Trial Unit Attorney - Unit/EL
1115 North Imperial Avenue
El Centro, California 92243-1739

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my ability, knowledge and skills.

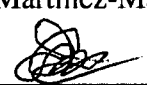
Respectfully Submitted,

Petitioner (In Pro Se) A 14-647-093

JuanJose Martinez-Madera

Executed on this date: Tuesday March 04, 2008

*Right
Date*



Petitioner's Signature

¹ This Pro-Se filing is deemed filed upon delivery to detainment "prison" authorities. See Fed. R. App. 25 (a)(c). Houston v. Lack, 487 U.S. 266, 101 L. Ed. 245, 108, S. Ct. 2379 at 274, 275 (1988).

This is when I sent this DOCUMENTS (CERTIFIED to the court)